

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:17CR3068
	)	
v.	)	
	)	
FRANCISCO DIAZ VARGAS,	)	MEMORANDUM
	)	AND ORDER
Defendant.	)	

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After holding a hearing today and considering the request of Mr. Diaz Vargas through his counsel Mr. Monzon to reconsider my previous order (filing no. [26](#)) granting Mr. Monzon's oral motion to withdraw,

IT IS ORDERED that:

(1) My previous order (filing no. [26](#)) stands. That is, Mr. Monzon's earlier oral motion to withdraw as counsel which I previously granted may not be revoked despite the waiver of Francisco Diaz Vargas.<sup>1</sup>

(2) The matter is referred to Magistrate Judge Zwart for a new trial setting and for the appointment of counsel if that is necessary.

DATED this 2<sup>nd</sup> day of October, 2017.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge

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<sup>1</sup> See, e.g., [Morales United States v. Alfonzo-Reyes](#), 592 F.3d 280, 293-295 (1st Cir. 2010) (despite defendant's offer of waiver, upholding a disqualification where defense attorney previously represented a government witness likely to testify against defendant at trial and where there was no evidence that testifying witness had waived the conflict of interest).